

Minutes

Quarterly Teleconference Phase II MS4 NPDES Coordinators

Wednesday, November 14, 2018

Next quarterly teleconference for Phase II NPDES Coordinators:

- February 13, 2019
- Submit agenda items at least 2 weeks prior of the teleconference to Robin.Starkie@floridadep.gov
- Sign up in GovDelivery for teleconference notifications.
https://public.govdelivery.com/accounts/FLDEP/subscriber/new?topic_id=FLDEP_439

NPDES Stormwater Contacts:

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Jason Maron	Phase II MS4 Coordinator	850-245-7568
Michelle Bull	Phase I MS4 Coordinator	850-245-7561
Steve Cioccia	Phase I MS4 Coordinator	850-245-8568
Jonathan Turner	Phase I MS4 Coordinator	850-245-8482
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NOTES

BACTERIA SOURCE ID MONITORING: Anita Nash

DEP assesses approximately 6,600 waterbodies or segments of waterbodies to compare water quality lab results to state standards to determine if they are impaired. Of those, over 600 have fecal bacteria problems which likely indicate pathogens in our waterbodies that we use to swim, fish, boat, drink, and shellfish.

Working to restore impaired waters requires more than reviewing water quality data annually.

Steps for investigating bacteria impairments (not all inclusive):

1. Investigate further.
 - a. Determine appropriate response to high-risk and low-risk indicator bacteria (Enterococci and *E. coli*) results. Fecal indicator bacteria (FIB) measurements do not distinguish between high risk and low risk sources of bacteria; however, the greater the FIB levels, the greater the risk of being exposed to pathogens. Natural sources such as wildlife generally have lower potential for human illnesses.
 - b. Likened use of FIB to someone running a fever. They are not well, but you do not know the cause, you take them to the doctor. Continuously testing for a fever does nothing to reduce the fever. Similarly, if bacteria levels are persistently above the criteria, further investigation to identify, locate, and eliminate the causes of anthropogenic sources is warranted; additional sampling with no action does not address the impairment.

2. Review data as soon as it is provided by the lab and **act** if the results indicate a problem.
3. Additional monitoring, specifically **source specific monitoring** throughout the contributing area to find the cause of the bacteria impairment.
 - a. Source specific parameters (esp. indicators of raw/untreated human sewage):
 - Acetaminophen (Tylenol)
 - Ibuprofen
 - Naproxen
 - Hydrocodone
 - qPCR DNA Marker HF-183 – human waste
4. If results show untreated sewage in your stormwater:
 - a. Narrow down the location of the origin. Coordinate outside of your department and jurisdiction to investigate the source.
 - Visual inspections – cheapest, but not all sources are visible above ground.
 - Additional Source specific monitoring into the contributing watershed and MS4 above and below ground.
 - Sewage sniffing dogs – great for public relations/community awareness
 - Closed circuit TV (CCTV) in the stormwater system – usually necessary.
 - Dye traces.
 - Smoke tests.
5. Long-term strategies to ensure watersheds are managed properly (not all inclusive):
 - a. Continuously review FIB data from your regular monitoring stations as it comes in from the lab. Have an action plan to respond ASAP.
 - b. intensive source ID monitoring (source specific analytes) and investigations,
 - c. Projects (stormwater treatment projects are not great for addressing pathogens):
 - focused sanitary sewer conveyance inspections and upgrades,
 - septic system inspections,
 - septic to sewer conversions,
 - d. agricultural best management practices,
 - e. beach surveys.
6. Develop a bacteria or pathogen restoration plan for waterbodies. Have a "blueprint" to eliminate releases of pollutants, specifically pathogen laden waste, to waterbodies so they attain water quality standards and designated uses. Restoration plans are broad and developed with local stakeholders, rely on local input and require local commitments.

Keys to restoring bacteria-impaired waters (from the Toolkit):

- Focus on identifying and reducing health risks.
- Gather, evaluate, and interpret relevant data.
- Build collaborative relationships among key stakeholders, especially local wastewater and stormwater utilities and local government leaders.

- Conduct mapping and field studies, such as Walk the Watershed (WTW) exercises, to uncover potential pathogen sources in the watershed.
- Prioritize hot spots based on water quality data and risk of human contact.
- Monitor and investigate problems.
- Ensure that entities with appropriate authority timely act to locate and eliminate sources.
- Track and catalog identified sources.
- Select effective restoration strategies.
- Prioritize and increase source control measures and infrastructure operation, maintenance, and replacement practices to minimize future problems.
- Pursue local revenue generation opportunities and state and federal financial assistance to build or refurbish local infrastructure.
- Ask DEP for help.

Tools to guide you:

- **Reducing Pathogens Story Map:**
<https://fdep.maps.arcgis.com/apps/MapSeries/index.html?appid=d14dbc72a19e4655888a24e3692fe3d4>
- **Restoring Bacteria-Impaired Waters: A Toolkit to Help Local Stakeholders Identify and Eliminate Potential Pathogen Problems:**
https://floridadep.gov/sites/default/files/Restoring_Bacteria-Impaired_Waters_Toolkit_082018.pdf
- Anita Nash, Division of Environmental Assessment and Restoration
Anita.Nash@FloridaDEP.gov
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BMAP/TMDL INITIATIVE: Sara Davis

This is the second year that DEP will provide a Statewide Report on Basin Management Action Plans (BMAPs), Total Maximum Daily Loads (TMDLs), and Minimum Flows and Levels (MFLs), also called the “STAR”

- Due to the Legislature and Governor by July 1, 2019 (and annually)
- Replaces individual Annual Reports that DEAR used to do for each BMAP
- Aligns reporting period for all BMAPs to follow the calendar year
 - **Current requests for information through December 31, 2018**
- Schedule/timeframe for annual meetings may have changed.
 - South Florida meeting in December (January at the latest)
- Reduced text compared to individual Annual Reports
 - Opportunity for stakeholders to present on specific activities at annual meeting
- Requests for updates on projects was sent out within the last few weeks.
 - For entities in multiple BMAPs, you should have received one email with projects from all BMAPs to update. All coordinators for those BMAPs were copied on the email, so please reply all.
 - **Updates due January 15, 2019**
- If adding new projects to list/table, send early so information needed for credit verification can be collected and reviewed.
- Springs BMAPs – updates only requested for projects in original 5
 - Original 5: Jackson, Wakulla, Silver, Rainbow, Wekiva
 - 13 from 2018 are currently on hold
- Lake O BMAP 5-Year Review will be developed in 2019
 - Stakeholders in this BMAP will see additional notifications of meetings and information for the Review

Contact Information:

BMAP Name	BMAP Coordinator	Coordinator Email	Coordinator Phone
Alafia River Basin	Anita Nash	Anita.Nash@dep.state.fl.us	850-245-8545
Banana River Lagoon	Kevin Williams	Kevin.C.Williams@dep.state.fl.us	850-245-8086
Bayou Chico	Anita Nash	Anita.Nash@dep.state.fl.us	850-245-8545
Caloosahatchee Estuary Basin	Kevin Williams	Kevin.C.Williams@dep.state.fl.us	850-245-8086
Central Indian River Lagoon	Breanna Crowell	Breanna.Crowell@dep.state.fl.us	850-245-8521
Everglades West Coast	Kevin Williams	Kevin.C.Williams@dep.state.fl.us	850-245-8086
Hillsborough River Basin	Anita Nash	Anita.Nash@dep.state.fl.us	850-245-8545
Jackson Blue Spring and Merritts Mill Pond Basin	Terry Hansen	Terry.Hansen@dep.state.fl.us	850-245-8561
Lake Harney, Lake Monroe, Middle St. Johns River, and Smith Canal	Moirra Homann	Moirra.Homann@dep.state.fl.us	850-245-8460
Lake Jesup	Moirra Homann	Moirra.Homann@dep.state.fl.us	850-245-8460
Lake Okeechobee Basin	Sara Davis	Sara.C.Davis@dep.state.fl.us	850-245-8825
Long Branch	Moirra Homann	Moirra.Homann@dep.state.fl.us	850-245-8460
Lower St. Johns River (LSJR) Tributaries I & II	Anita Nash	Anita.Nash@dep.state.fl.us	850-245-8545
Lower St. Johns River (LSJR) Mainstem	Tiffany Busby	tlbusby@wildwoodconsulting.net	904-797-2721
Manatee River Basin	Anita Nash	Anita.Nash@dep.state.fl.us	850-245-8545
North Indian River Lagoon	David Huggins	David.Huggins@dep.state.fl.us	850-245-8683
Orange Creek & Orange Creek Phase 1	Mary Paulic	Mary.Paulic@dep.state.fl.us	850-245-8560
Rainbow Springs and Rainbow Run	Mary Paulic	Mary.Paulic@dep.state.fl.us	850-245-8560
Santa Fe River Basin	Terry Hansen	Terry.Hansen@dep.state.fl.us	850-245-8561
Silver Springs Group and Silver River	Mary Paulic	Mary.Paulic@dep.state.fl.us	850-245-8560
St. Lucie River and Estuary Basin	Breanna Crowell	Breanna.Crowell@dep.state.fl.us	850-245-8521
Upper Ocklawaha River Basin	Mary Paulic	Mary.Paulic@dep.state.fl.us	850-245-8560
Upper Wakulla River and Wakulla Springs	Moirra Homann	Moirra.Homann@dep.state.fl.us	850-245-8460
Wekiva River, Rock Springs Run, and Little Wekiva Canal	Moirra Homann	Moirra.Homann@dep.state.fl.us	850-245-8460

E-reporting Update: Jon Turner

The EPA E-Reporting rule was promulgated in the Federal Registrar in October 2015 for revisions to 40 CFR 127, and requires all permit applications and program reports (e.g. annual reports) to be submitted electronically by the permittees. Phase II of the rule include most NPDES permits such as MS4 permits, and is set to be implemented by Dec 21, 2020.

EPA recently released the "Implementation Technical Paper No. 9 - Data Entry Guidance for Stormwater Information" which provides more detail on formatting and submission of data elements required. (<https://www.epa.gov/sites/production/files/2018-10/documents/npdesereporting-implementationtechnicalpaper9.pdf>). The department is working with its IT office personnel to work on the modifications to existing state databases and processes to implement the rule requirements.

We will create and provide outreach materials to help the transition process to electronic submittal go as smoothly as possible.

Audit Schedule: Hector Rivera

Audit Schedule

The following are the list of permittees that the department will be auditing in the next month:

- December: Ponce Inlet, Bunnell, and Palm Coast.

What is an audit?

- The audit process is to conduct comprehensive program evaluation to determine if the permittee is implementing the program and reducing pollutants to the maximum extent practicable (MEP).
- Is also required to evaluate the program effectiveness and to ensure that the permittee is complying with the approved Stormwater Management Program (SWMP).
- Each audit encompasses the review of all 6 minimum control measures (Appendix A) and there is also a field component. The field component consists of the visit of a construction site or fleet maintenance yard, industrial facility, etc. During this event, the MS4 coordinator will shadow a routine inspection of the site(s).

How can you prepare for an audit?

Gather Documents:

- Last Annual Report
- Record of inspections
- Ordinances
- Training documentation

- MS4 Map
- SOPs and **Inspection Checklist**
- Educational and outreach material
- Any other supporting documents
- Please be prepared to explain your processes and show supporting documentation for the reporting year

What is the audit format?

Questions and answers. We want to know the program implementation process and the mechanisms in place to deliver results.

Please include key staff related to implementing the MS4 permit to the audit.

After the audit?

- The Phase II coordinator will send you an audit report within 30-45 days.
- The report will include a section with **general comments**, this section will have, reminders for future reporting periods, ideas or suggestions that will improve your SWMP, or comments on any discussed topic during the audit. In addition to the general comments, the report will include a section with,
- **Recommendations and Required Improvements:**
- The recommendations will be items that required an action from the permittee, it can be the rewording of a BMP description or measurable goals, the reimplementation or relocation of a BMP to make it more effective, or any other recommendation that will help the permittee comply with the MS4 permit requirements of reducing pollutants to the MEP. The coordinator will expect a reply in regards the recommendations.
- Required improvements, these will be changes that are required to be address within a certain **time limit**, depending on the situation, it can be up to 30 days. The required improvement can vary depending on different factors determine during the audit, it can range from compliance of certain components to technical aspects, or any other quality issues.
- The audit report may also include pictures and comments from the site visit.

Common Deficiencies/Kudos: Jason Maron

Common Deficiencies of Phase II MS4 Annual Reports

Please ensure you stick to your Schedule for Implementation. Reports have been submitted that state a BMP will be implemented in Year 5 of the Annual Report while the Schedule for Implementation was in Year 3. This is a deficiency and a Required Improvement to implement this program will be included in the review letter allowing a short amount of time for the

implementation of the BMP. The Schedule for Implementation for the BMPs was approved by the MS4s and department and must be followed to be in compliance with the permit.

Please ensure the Annual Report has the same measurable goals as seen in the approved NOI. All changes to the NOI must be approved by the department before changing it in the Annual Report. The changes can either be suggested in “Section III. Proposed Changes” of the Annual Report or e-mailing us the requested change.

Public meetings or presentations are often used to fulfill the public participation element. If so, please ensure that the public has the ability to comment or participate in these events. If they don't have the ability to do so the BMPs will need to be moved to Element 1 as they are only educating the public.

The department highly recommends training all your employees on what an illicit discharge is, how to identify one, and who to contact if they presume one does exist. If the MS4s employees know how to spot an illicit discharge they can report it. All your employees must drive to work or go outside at some point and during this time they become illicit discharge detectors for the MS4 and can assist in preventing pollutants from entering your system.

Kudos:

We have been seeing very clear and specific good housekeeping measures where MS4s have created multiple SOPs for each aspect of the MS4 and how to inspect them. The SOPs we've seen are specific to ditches, swales, inlets, stormwater ponds, and various structures of the MS4.

We have also seen many MS4s with vast public education and outreach programs. Many MS4s set up booths and hand out brochures during various town events. Some MS4s even publicize stormwater pollution prevention ads on television, billboards, and the sides of fleet vehicles. Ensuring your MS4 has a well implemented outreach program is very important for water quality. The more people in the city that know about stormwater and how it affects them the more likely they will want to participate in keeping it pollutant free.

Housekeeping Updates: Cierra Robinson

- **Contact Info:** Please ensure that if your municipality has any changes to the personnel that manages the MS4 Program the department is notified. This way you can receive any pertinent information that we send out. A change in Responsible Authority will require an updated, signed NOI. Please note that hand written signatures are required.
- **Payment Submissions (Renewals):** When resubmitting an NOI and fee, when possible, please submit the hardcopy form together with the check or money order. If there are any limitations

or inability to submit in the same package, please include your invoice with the permit number or some other correspondence which we can link to your permit renewal.

- **Change form:** During the Annual Report Reviews, sometimes permittees make changes to the BMP Descriptions/ Measurable Goals. Please note that we can make changes mid permit cycle, but all changes should be reviewed and approved. Transcribe BMP Descriptions exactly as they are written on approved NOIs (or, as shown on previously approved change/audit documents) and report based on the original Measurable Goals.
- Any changes which need to be made should be proposed on the form provided at the bottom of the Annual Report form. The department will provide its review and/or approval for subsequent reports if necessary.
- **SOPs:** We received a question from an MS4 about which industrial areas they needed to inspect. This is a perfect example about when SOPs come in handy. The generic permit doesn't specify the limits of any industrial zone. If it was up to us, they would all be inspected every day! More realistically, it's up to each municipality to identify high priority zones or rotational inspections and to outline this information in your SOPs or checklists. It's important to have this information documented for situations which caused the initial question, so staff knows where to go and what to do.
- **Industrial Zones:** It's important to note that having an MS4 permit does not exempt certain activities or facilities from the requirement of having a Multi-Sector Generic Permit (MSGP). Examples of Municipal activities which may require a MSGP are fleet maintenance yards, wastewater treatment plants and landfills.
- If you have questions about whether an area requires an MSGP, please feel free to reach out to me directly. My contact information is included in the agenda and will be in the minutes. Also, if you suspect any facility may require a permit within your MS4, you can contact us to issue a non-filer letter to assist them with investigating the potential need for an MSGP.
- **Master Template Update:** We are still working to develop. Taking good examples from Descriptions we've seen to generate a "Master Appendix A". This Template is not a requirement just a guide to help with developing more specific and efficient SWMPs.

Open Discussion: Borja Crane-Amores

Q: DeAnne (FDOT District 5) – When will the FDOT permits be issued?

A: Borja Crane-Amores - The department is currently working with FDOT district offices to finalize these permits.

Q: Kurt Spitzer (Florida Stormwater Association) – We submitted some example TMDL language consistent with the 2003 Generic Permit. Is that what you're reviewing now? Will there be rulemaking if the language is substantially different than with the GP?

A: Borja Crane-Amores - Thank you for submitting your recommended language. We are in receipt of the language and we will be utilizing it in developing our guidance language. The MS4s also have the capability to provide language which works for them for the department to review as well. The department currently has a regulatory agenda to go through rulemaking to provide clarification to the state's generic permit to be consistent with the provisions of the recently adopted federal Phase II remand rule.

Q: Sally Atkins - How can my city better educate the employees on illicit discharges? The city has a large number of employees difficult to gather in a single group.

A: Jason Maron - Mass emails including illicit discharge education. Or an illicit discharge brochure and have them sign a sheet stating that they received and understand and would know how to identify and illicit discharge and contact if encountered.

Q: Fred Noble – Pending Phase II NOI's for FDOT. Clarification meeting is November 28th. Voiced concerns with non-rule implementation of non BMAP TMDLs and non-rule implementation of new processes. Looking forward to further discussions and potential rule making process.

A: Borja Crane-Amores - We are still reviewing the packages for public notice per our conversations. The FDEP did adopt the provisions of the remand rule and the implementation of the public notification process.